

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JEFFREY ROLSTON,)	
)	
Plaintiff,)	Case No. 1:21-cv-3049
)	
v.)	
)	
LOWE’S HOME CENTERS, LLC,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Now comes Defendant, Lowe’s Home Centers, LLC (“Defendant”), by counsel and pursuant to 28 U.S.C. §1441, 28 U.S.C. §1446 and 28 U.S.C. §1332, hereby files its Notice of Removal of cause to the United States District Court for the Southern District of Indiana, Indianapolis Division, from the Madison County Circuit Court, Anderson, Indiana, and respectfully states:

1. On November 17, 2021, Plaintiff Jeffrey Rolston (“Plaintiff”) commenced this action against Defendant by filing his Complaint for Damages (“Complaint”) in Cause No. 48C01-2111-CT-000149 in the Circuit Court of Madison County, Indiana alleging that Defendant was negligent in utilizing reasonable care in the inspection and maintenance of the premises owned by Defendant causing the Plaintiff to slip and fall in liquid on the floor causing him to suffer serious injuries.

2. Defendant accepted service of the Summons and Complaint on or about November 23, 2021.

3. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Defendant in the State Court Action are attached hereto as **Exhibit A**.

4. Plaintiff seeks compensatory and other damages for the injuries of Plaintiff, allegedly resulting from an accident which occurred on July 18, 2021 in Madison County, Indiana. Plaintiff, alleges that he suffered injuries from the accident, including the medical expenses both past and future, physical and mental pain and suffering, both past and future, increased risk of harm, and loss of enjoyment of life. Based on Plaintiff's alleged damages and a discussion with counsel who alleges this matter has a value over \$75,000, the amount in controversy herein exclusive of costs and interests is in excess of \$75,000. See also Plaintiff's Answers to Defendant's First Requests for Admission attached hereto as **Exhibit B**

5. This action involves a controversy between citizens of different states: (a) The Plaintiff, is a citizen and resident of the State of Indiana; (b) At the time of the commencement of this action Defendant was not, and is not a citizen of the State of Indiana, being a limited liability company organized and existing under the laws of the State of North Carolina, with its principal place of business in North Carolina. Lowe's Home Centers, LLC is a manager-managed LLC with a single member, Lowe's Companies, Inc. Lowe's Company, Inc. is a North Carolina foreign corporation with its principal place of business in North Carolina.

6. That this action is one which the District Court of the United States has been given original jurisdiction pursuant to 28 U.S.C. §1332.

7. As required by 28 U.S.C. § 1446(b), this Notice of Removal is being filed within 30 days after Defendant's receipt of information advising that the claim meets the jurisdictional requirements.

8. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over this civil action in that it involves a controversy between citizens of different states and the amount in controversy as alleged by Plaintiff based on information to date exceeds \$75,000.00, exclusive of interest and costs. Thus, removal is proper in accordance with 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446(d), Defendant is filing a Notice of Filing the Notice of Removal with the Clerk of the Circuit Court of Madison County, Indiana contemporaneously with the filing of said Notice of Removal in this Court, giving notice to all parties and the State Court. A copy of the Notice of Filing the Notice of Removal (without its exhibits) is attached hereto as **Exhibit C**.

10. Defendant has not filed any responsive pleadings in the State Court Action.

WHEREFORE, Defendant respectfully requests that this action proceed in the United States District Court for the Southern District of Indiana as a removed claim or cause of action under 28 U.S.C. §§, 1332, 1441 and 1446.

Respectfully submitted,

/s/ Pamela A. Paige
Pamela A. Paige (#16163-49)
PLUNKETT COONEY, P.C.
201 N. Illinois Street
South Tower, 16th Floor
Indianapolis, IN 46204
Ph: (317) 964-2730 / Fax: (248) 901-4040
ppaige@plunkettcooney.com
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 16, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the CM/ECF System. Parties may access this filing through the Court's system:

Jim Hurt
KEN NUNN LAW OFFICE
jamesh@kennunn.com

/s/ Pamela A. Paige
Pamela A. Paige (16163-49)

PLUNKETT COONEY, P.C.
201 N. Illinois Street
South Tower, 16th Floor
Indianapolis, Indiana 46204
Telephone: (317) 964-2730
ppaige@plunkettcooney.com

Open.28226.15765.27727692-1